

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

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|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No.: 3:02-CR-129-TAV-DCP-1 |
| |) | |
| JEFFERY D. RAY, JR., |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION AND ORDER

This criminal case is before the Court on defendant's pro se motion for jail time credit [Doc. 59]. Defendant requests a Court order granting him jail time credit from the date of his arrest, May 25, 2012, arguing that "he was in state custody in this matter before the[] same charges were filed in federal court" [*Id.* at 1].

This request cannot be granted. A district court "cannot grant or compute sentence credits under 18 U.S.C. § 3585(b)," *United States v. Williams*, No. 05-20377-JDB, 2008 WL 3850212, at *1 (W.D. Tenn. Aug. 18, 2008), because "the power to grant credit for time served lies solely with the Attorney General and the Bureau of Prisons." *United States v. Crozier*, 259 F.3d 503, 520 (6th Cir. 2001) (citing 18 U.S.C. § 3535(b); *United States v. Wilson*, 503 U.S. 329, 333 (1992)); *see also United States v. Brown*, 417 F. App'x 488, 493 (6th Cir. 2011) ("[A]warding credit for time served is the exclusive responsibility of the Bureau of Prisons."); *United States v. Thomas*, No. 22-2147, 2023 WL 8450683, at *2 (6th Cir. Dec. 6, 2023) (stating that the district court would have erred if it had relied on § 3585(b) to credit time served to the defendant's sentence). If the Bureau of Prisons declines

to credit the defendant's time served, he may then raise his claim through its Administrative Remedy Program. *Setser v. United States*, 566 U.S. 231, 244 (2012) (citing 28 C.F.R. § 542.10, et seq.). After exhausting his administrative remedies, the defendant may then petition for a writ of habeas corpus under 28 U.S.C. § 2241, a petition which must be filed in defendant's district of confinement, rather than here, in the sentencing Court. *Id.*

Accordingly, defendant's motion for jail time credit [Doc. 59] is **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE